

MINUTES
SECURITY SERVICES BOARD
April 7, 2005 - 9:00 A.M.
Room 428 - Fourth Floor - Heber Wells Bldg.
160 East 300 South, Salt Lake City, Utah

CONVENED: 9:05 A.M.

ADJOURNED: 2:15 P.M

PRESENT:

Clyde Ormond, Bureau Manager
Marty Simon, Board Secretary
Ryan Cleverly, Assistant Board Secretary
Board Members:
Jim Young Rick Hawkins
Alec Shilaos Marci McGregor
Susan Urses

ABSENT:

Clayton Merchant

GUESTS:

Robert Anderton, PACSCO; Lenore Epstein, Assistant Attorney General. Dan Calder

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Minutes

The minutes of the February 2, 2005 board meeting were approved as written.

APPOINTMENTS and NEW APPLICATIONS received since February 2, 2005 board meeting:

9:00 A.M.
Eagle Technologies
Jim Young – QA

An application for licensure as a contract security company with Mr. Young as the qualifying agent was reviewed by the board. Mr. Young was present at the board meeting. He recused himself as board chairman while the Board reviewed his work experience. The Board determined that his work experience meets the requirements of the statute. A motion was made by Ms. Urses and seconded by Ms. McGregor to approve Mr. Young to be the Qualifying Agent for this company. The motion carried unanimously, except for Mr. Young who abstained from the vote.

9:15 A.M.
Michael Trask

Mr. Trask had called to request to restart his probation. However, he failed to keep his appointment with the board. The board recommended Mr. Trask be rescheduled to meet with the board on June 9, 2005.

9:30 A.M.
Marc Dragovich

Mr. Dragovich met with the Board for his probation interview. He submitted a positive "Employer Report" from his supervisor. He stated to the board that he is no longer carrying a firearm and now works for Peak

Alarm. The board asked Mr. Dragovich why he left Vance Federal. He stated he was accused of saying things he did not say and no longer wished to work there. The board asked if he was under supervision now with Peak Alarm. He stated that he was. The Board determined he is in compliance with his probation and commended him on his work. He was scheduled to meet with the Board again at 9:30 A.M. on August 4, 2005.

9:45 A.M.
Tommy Gattis

Mr. Gattis failed to keep his appointment to meet with the Board for his probation interview. This is his second consecutive time Mr. Gattis has failed to keep his appointment. The Board determined he is out of compliance with his MOU. A motion was made by Ms. McGregor and seconded by Ms. Urses for an order to show cause. The motion carried unanimously.

Mr. Gattis called the Division later that day and requested to reschedule his probation interview. He was scheduled for another appointment with the board on June 9, 2005. Drug screening information was mailed to him on April 8, 2005. He must meet with the probation coordinator prior to that time or immediately following that meeting.

10:00 A.M.
Adam Horman

Mr. Horman met with the board via the telephone for his probation interview. A positive “Employer Report” had previously been faxed to the Division. The board asked Mr. Horman if he had been through any drug screen tests. He stated he had when he was first employed. The board asked if the company he worked for performs random drug screens, he stated they do but that he had not yet come up on the random test. An expungement order was faxed to the Division showing Mr. Horman’s charge had been expunged. A motion was made by Mr. Shilaos and seconded by Ms. McGregor to release Mr. Horman from probation, and issue full licensure as an armed private security officer. The motion carried unanimously.

10:15 A.M.
Robert Fields

Mr. Fields met with the board to review the terms and conditions of his MOU. The board asked Mr. Fields if he will be returning to police work. He stated he is currently working on the paper work and has not yet applied. The board reviewed Mr. Fields’ criminal history. Mr. Fields stated this is an isolated incident and feels the MOU is unreasonable and objects to the drug screening requirement. Mr. Fields stated he abused alcohol and made a poor decision that night but he has not abused alcohol since that time.

Ms. McGregor made a motion that the MOU stand as is. Mr. Hawkins seconded the motion. The motion carried unanimously. Mr. Fields asked the board what would happen if he provided an expungement for his charge. The board stated that it would change the mitigating issues and the board could reevaluate the issue. Mr. Fields asked why the charge was in question after three years. Due to the aggravating issues which occurred while he was a police officer. The board referred him to Subsection R156-63-502(2), Unprofessional Conduct, Utah Administrative Code.

10:30 A.M.
Mike Gardner

Mr. Gardner failed to keep his appointment to meet with the Board for his probation interview. This is the second consecutive time Mr. Gardner has failed to keep his appointment. The Board determined he is out of compliance with his MOU. A motion was made by Ms. McGregor and seconded by Ms. Urses to recommend that an "Order to Show Cause" be issued. The motion carried unanimously.

11:00 A.M.
Utah Private Detection Agency
QA: Todd May

An application for renewal as a contract security company with R. Todd May as the qualifying agent was reviewed by the board. Mr. May, accompanied by his son Troy May, was present at the board meeting.

The board asked Mr. May if he would remain as the qualifying agent if the company was granted renewal. Mr. May stated yes he would. The board asked Mr. May to describe the circumstances concerning his Misdemeanor A charge. Mr. May stated he was working security when he was charged with working as a Private Investigator (P.I.). Mr. Ormond stated the company is not meeting all requirements for renewal. Mr. Ormond stated to Mr. May that he needs all exposures listed on the insurance certificate. Mr. May stated that he would get that resolved. The board questioned if Mr. May would be working as security officer or as a P.I. He stated Security. The board expressed concern with his company name, Utah Private Detective Agency, indicating it implies Mr. May as a P.I. Mr. Ormond explained the licensing for P.I. to the board. Mr. May then explained the reason for the company name. The board expressed a concern with the uniforms having PI listed on them. Mr. Ormond stated to the board that this had been the company name since 1995, and had already been approved.

Mr. Anderton asked Mr. May if he currently has a contract with anyone. Mr. May stated everything was on hold until his license was resolved. Mr. Ormond reviewed with the board Mr. May's past history of

hiring unlicensed officers. The board asked Mr. May what assurance they would have that he understood the statute. He stated that he has learned his lesson. The board again asked what assurance they would have that he understood the statute. He stated that now he has the knowledge of what the requirements are.

Mr. Shilaos made a motion that Mr. May be required to pass the Utah Laws and Rules exam so there is no question as to his knowledge of the regulations. Mr. May would have six months to pass the exam. The motion was amended to allow Mr. May 90 days to pass the exam. Ms. McGregor seconded the motion. The motion carried unanimously.

Mr. Galen Kester from Investigations stated to the board that he is the investigator for this board. He stated that the board should question him if he has any concrete evidence on an individual appearing before the board. Mr. Kester stated that Mr. May had been working for over 2 years without a license. The board indicated they did not know about the citation. The board felt they were misled and had only discussed the old charges and not the citation that was issued on January 27, 2005 of working without a license. The board requested that Mr. May be brought back before the board.

When Mr. May returned with his son Troy the board turned time over to Mr. Kester. He reviewed with the board Mr. May's previous four charges, including the citation that was issued on January 27, 2005, concerning working as a security officer at Westland Ford without a license. Mr. Kester provided one year's worth of pay stubs from Westland Ford indicating that Mr. May had indeed been working as Utah Private Detective Agency which is currently not licensed. A citation was then issued for working as a company and as an unarmed private security officer without a license, for which Mr. May was presented with a Cease and Desist Order.

Mr. Ray Walker, the Regulatory and Compliance Officer, was present at the board meeting. Mr. Walker told the board that he upheld the fine for working without a license. Mr. May had told Mr. Walker during the citation hearing that he was an employee of Westland Ford and did not need a license. Mr. May had stated that he thought he was okay to work because he had an active qualifying agent license. Mr. Walker stated that he had spent three times the amount of time allotted for Mr. May's citation hearing explaining the difference between proprietary security and contract

security. Mr. Walker stated that Mr. May either does not hold the mental capacity to understand the regulations or simply chooses to not understand them so he will not be held accountable for his actions. Mr. Walker further stated that after listening to Mr. May both in the citation hearing and the board meeting, he believes it is the latter.

Mr. Walker reminded the board it is the goal of the Division to bring those who are not in compliance into compliance and get them licensed to work, while at the same time insuring the safety well-being of the public. He further informed the board the ruling of the fine was made yesterday and Mr. May has 30 days to pay the fine.

The board asked Mr. May if he had worked as a security officer since January 27, 2005. He stated he had not. The board asked Mr. May why there was so much misunderstanding on his part as to whether or not he could be working without a license. Mr. May stated that he had misread the statute but is now aware of the requirements of the statute. He stated he would just like to get back to work so he can provide for his family. He also stated that because he did not have any employees he did not think he needed a license. The board asked Mr. May how he could be licensed for 15 years and still not understand the regulations of a security company. Mr. May did not respond to this question. The board asked Mr. May if he currently holds an unarmed or armed security license. Mr. May stated he does not hold either license.

Mr. Anderton stated to the board that the Professional Alliance of Contract Security Companies (PACSCO) would be uncomfortable with the board issuing a license to an individual with a Misdemeanor A within the last 5 years without a heavy probation. He then urged the board that a new qualifying agent be brought in for this company. Troy May told the board that if they would hold to their original motion that he would personally see that the company would no longer have any problems or the board could shut the company down. Leanne Epstein, Assistant Attorney General, told the board they can make the decision, whether or not to issue a probation license, based upon the information they have been given.

A motion was made by Mr. Shilaos and seconded by Ms. McGregor to rescind the prior motion. The motion carried unanimously. A motion was then made by Ms. Urses, requiring Mr. May to have 90 to pass the Laws and Rules exam, the company be placed on probation

requiring that they meet with the board bimonthly, provide a list of all employees, and supply evidence that they are in compliance with training. Mr. Walker explained the procedure of reinstatement to the board. Mr. Ormond reviewed the requirements of the previous MOU to the board. Mr. Ormond also went over the time line of licensure and citations to the board.

The board asked Mr. May if he realized his license was expired. Mr. May stated no. The board asked if there was someone who could be the qualifying agent for this company if he was denied, he stated he was unsure. The board asked if his son Troy would meet the current qualifications. Mr. May was not sure. The board informed Mr. May that if he was not approved he would need to find a new qualifying agent. Mr. May stated that he now understands what needs to be done. The board asked Mr. May why he is just now understanding after 15 years and stated that he was not taking this seriously. The board stated that they felt they had been lied to by Mr. May during this board meeting. Ms. Urses recinded her previous motion.

A motion was made by Ms. Urses to deny him as the qualifying agent based on his inability to demonstrate that he understands the responsibilities of a qualifying agent. The company license is to be renewed and starting from that date the company will have 45 days to submit to the Division a new qualifying agent who meets the requirements of the statute. The motion was seconded Ms. McGregor. The motion carried unanimously. The board informed Mr. May that he must have either a current unarmed or armed security officer license to work a post. Mr. May stated he understood.

11:15 A.M.
Richard Guzzle

Mr. Guzzle met with the Board to review his criminal history as it relates to his renewal of licensure as an unarmed private security officer. He was charged with Retail Theft on September 11, 2002, to which he pled Guilty, and put on a plea and abeyance. Mr. Guzzle explained the circumstances of the charge to the board. A motion was made by Mr. Shilaos and seconded by Ms. McGregor that Mr. Guzzle be placed on a Memorandum of Understanding (MOU) and issue him a probationary license. The MOU should contain the specific items: 1. submit quarterly "Employee Reports;" 2. meet with the Board quarterly or as requested; and 3. work only under direct supervision. The motion carried unanimously.

11:30 A.M.
Hasah Kurudzija

Mr. Kurudzija, accompanied by his son Medin Kurudzija, met with the board. The board reviewed Mr.

12:30 P.M.
Secure Solutions of Utah, New
QA: Ethan Mac Andrews

Kurudzija's criminal history. Mr. Kurudzija supplied evidence of an expungement order to the board showing his charge had been expunged. A motion was made by Ms. McGregor and seconded by Mr. Shilaos to remove the probation, due to the expungement of the charge, and issue full licensure as an armed private security officer. The motion carried unanimously.

An application for licensure as a contract security company with Mr. Andrews as the qualifying agent was reviewed by the board. The Board determined his work experience meets the requirements of the statute. The board also determined there is no conflict of interest for Mr. Andrews being the qualifying agent for both Ronan Risk International, Inc. and Secure Solutions of Utah. A motion was made by Ms. McGregor and seconded by Mr. Hawkins to approve Mr. Andrews to be the qualifying agent for this company contingent upon a clear criminal report from the FBI. The company license can be approved contingent upon receipt of Mr. Andrews criminal report. The motion carried unanimously.

12:35 P.M.
Inter-Con Security, New
QA : Lee Cassity

An application for licensure as a contract security company with Mr. Cassity as the qualifying agent was reviewed by the board. Mr. Cassity was present at the board meeting. The Board determined his work experience meets the requirements of the statute. A motion was made by Ms. McGregor and seconded by Ms. Urses to approve Mr. Cassity to be the qualifying agent for this company contingent upon a clear FBI report for him. The company license can be approved contingent upon evidence of registration with Utah State Tax Commission, Utah Department of Workforce Services, and a clear criminal report for Mr. Cassity. The motion carried unanimously.

12:45 P.M.
Premium Armored Services, New
QA: Kurt Johnson

An application for licensure as a contract security company with Mr. Johnson as the qualifying agent was reviewed by the board. Mr. Johnson was present at the board meeting. Mr. Anderton asked Mr. Johnson if Premium Armored Services is currently working in Utah. Mr. Johnson stated they are not. The Board determined his work experience meets the requirements of the statute.

A motion was made by Ms. McGregor and seconded by Mr. Shilaos to approve Mr. Johnson as the qualifying agent for this company contingent upon a clear criminal report from the FBI. The company license can be approved contingent upon receipt of evidence of registration with the Department of Corporations, Workforce Services, and Utah State Tax

1:00 P.M.

ISF Security Group, New

QA: Royce Harvey

Commission. They also must provide an insurance certificate listing the required exposures, and clear criminal reports from the FBI for Mr. Johnson, and all applicable corporate officers. The motion carried unanimously.

An application for licensure as a contract security company with Mr. Harvey as the qualifying agent was reviewed by the board. Mr. Harvey was present at the board meeting. Mr. Anderton asked Mr. Harvey if ISF Security Group is currently working in Utah. Mr. Harvey stated they are not. They stated this company is a DBA of Ameritex Guard Services. The Board determined his work experience meets the requirements of the statute.

A motion was made by Ms. McGregor and seconded by Ms. Urses to approve Mr. Harvey as the qualifying agent for this company, contingent upon receipt of verification of his work experience from The Diamond Group and Enteck Inc and a clear criminal report from the FBI. The company can be issued upon receipt of a clear criminal history for Liana Marquis and Mr. Harvey from the FBI. The motion carried unanimously.

1:15 P.M.

Frontier Securities Integrators

QA: Mark Borgerding

An application for licensure as a contract security company with Mr. Borgerding as the qualifying agent was reviewed by the board. Mr. Borgerding and Dave Clarke were present at the board meeting. Mr. Anderton asked if Frontier Securities Integrators was currently working in Utah. Mr. Clarke stated they are not. The Board determined Mr. Borgerding's work experience meets the requirements of the statute.

A motion was made by Ms. Urses and seconded by Ms. McGregor to approve Mr. Borgerding as the qualifying agent for this company contingent upon a clear criminal history. The company license can be approved contingent upon receipt of registration with Workforce Services and Utah State Tax Commission. Also, receipt of a clear criminal history from the FBI for all applicable corporate officers. The motion carried unanimously.

DISCUSSION ITEMS:

Allied Barton Security Services
Badges & Uniforms

The board reviewed the Badges and uniforms of Allied Barton Security Services. The board stated the uniforms and badge are commendable and meet the requirements of the statute.

Security Rules Definitions

The board reviewed an email from the Professional Alliance of Contract Security Companies (PACSCO).

The email asked the board to change the rules to include and define the terms of Usher, Ticket Taker, and Bag Handlers. Mr. Ormond presented this email to the board for their recommendations. Mr. Anderton explained to the board that the real concern over Senate Bill #71 is that a bag checker no longer will be required to hold a state license, causing a public safety issue. The board did express some concerns over this issue. The board deferred this matter until the June 9, 2005 board meeting for further discussion.

Please note, following the conclusion of the board meeting, the board met with Kim Smith from Thomson Prometric to review new questions for the Qualifying Agent Exam Item Bank.

NEXT MEETING:

June 9, 2005

DATE APPROVED

CHAIRPERSON, BOARD OF
SECURITY SERVICES

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING